REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 1, 12, 23, 24, 26, and 27 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1, 3-12, and 14-27 are pending and under consideration. Reconsideration is respectfully requested.

EXAMINER'S RESPONSE TO ARGUMENTS:

In the Office Action, at pages 2-6, numbered paragraph 2, the Examiner responded to Applicant's arguments. Applicant's response thereto is set forth below.

Independent claims 1, 12, 23, 24, 26 and 27 have been amended to show more clearly differences between the present claimed invention and the cited prior art. In particular, the following features have been added to the information retrieving system of amended claim 1: "the index server comprising <u>a registration accept processing agent to carry out a registration acceptance processing, wherein the registration accept processing agent has an overview index register that stores information relating to a registered document into a repository during an idle time; an ontological restructuring unit to restructure a consistency of an ontology of a hierarchical structure; and an accept signal generator to post to a web server of the plurality of web servers a fact that information has been registered into the index server.</u>" Independent claims 12, 23, 24, 26 and 27 have been amended in similar fashion.

It is respectfully submitted that none of the cited references, including Nickum, Yasue, Hazama and Tanaka, alone or in combination, teaches or suggests the information retrieving system of claim 1 of the present invention wherein the information retrieving system includes an index server comprising a registration accept processing agent to carry out a registration acceptance processing, wherein the registration accept processing agent has an overview index register that stores information relating to a registered document into a repository during an idle time; an ontological restructuring unit to restructure a consistency of an ontology of a hierarchical structure; and an accept signal generator to post to a web server of the plurality of web servers a fact that information has been registered into the index server, as is recited in amended claim 1, and similarly in amended independent claims 12, 23, 24, 26, and 27, of the present invention.

Thus, amended independent claims 1, 12, 23, 24, 26 and 27 of the present invention are respectfully submitted to be patentable and non-obvious under 35 U.S.C. §103(a) (and not anticipated under 35 U.S.C. §102) by any one of, or combination of, the cited references, including Nickum, Yasue, Hazama and Tanaka. Since claims 3-11, 14-22 and 25 depend from amended claims 1, 12 and 24, respectively, claims 3-11, 14-22 and 25 are patentable and non-

obvious under 35 U.S.C. §103(a) (and not anticipated under 35 U.S.C. §102) by any one of, or combination of, the cited references, including Nickum, Yasue, Hazama and Tanaka for at least the reasons that amended claims 1, 12 and 24 are patentable and non-obvious under 35 U.S.C. §103(a) (and not anticipated under 35 U.S.C. §102) by any one of, or combination of, the cited references, including Nickum, Yasue, Hazama and Tanaka.

REJECTION UNDER 35 U.S.C. §103:

In the Office Action, at pages 6-9, numbered paragraph 3, claims 1-3, 12-14, and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yasue (USPN 6,289,345; hereafter, Yasue) in view of Nickum (WO 01/15014 A2; hereafter, Nickum). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Independent claim 1 has been amended to show more clearly differences between the present claimed invention and Yasue and Nickum. In particular, the following features have been added to the information retrieving system of amended claim 1: "the index server comprising a registration accept processing agent to carry out a registration acceptance processing, wherein the registration accept processing agent has an overview index register that stores information relating to a registered document into a repository during an idle time; an ontological restructuring unit to restructure a consistency of an ontology of a hierarchical structure; and an accept signal generator to post to a web server of the plurality of web servers a fact that information has been registered into the index server." Independent claims 12 and 27 have been amended in similar fashion.

As admitted by the Examiner, Yasue does not show using an idle time of the web servers. It is respectfully submitted that neither Yasue nor Nickum teaches or suggests an information retrieving system that includes an index server comprising a registration accept processing agent to carry out a registration acceptance processing, wherein the registration accept processing agent has an overview index register that stores information relating to a registered document into a repository during an idle time; an ontological restructuring unit to restructure a consistency of an ontology of a hierarchical structure; and an accept signal generator to post to a web server of the plurality of web servers a fact that information has been registered into the index server, as is recited in amended claim 1 and in similar fashion in amended independent claims 12 and 27.

Thus, it is respectfully submitted that amended independent claims 1, 12 and 27 are patentable and non-obvious under 35 U.S.C. §103(a) over Yasue (USPN 6,289,345) in view of Nickum (WO 01/15014 A2). Since claims 3 and 14 depend from amended claims 1 and 12,

respectively, claims 3 and 14 are submitted to be patentable and non-obvious under 35 U.S.C. §103(a) over Yasue (USPN 6,289,345) in view of Nickum (WO 01/15014 A2) for at least the reasons that amended claims 1 and 12 are patentable and non-obvious under 35 U.S.C. §103(a) over Yasue (USPN 6,289,345) in view of Nickum (WO 01/15014 A2).

REJECTION UNDER 35 U.S.C. §102:

In the Office Action, at pages 9-14, numbered paragraph 4, claims 1-3, 5-14, and 16-22 were rejected under 35 U.S.C. §102(e) as being anticipated by Hazama et al. (USPN 6,539,399; hereafter, Hazama). This rejection is traversed and reconsideration is requested.

Claims 2 and 13 are cancelled without prejudice or disclaimer.

Anticipation requires a lack of novelty of the invention as claimed. The invention must have been known to the art in the detail of the claim; that is, all of the elements and limitations of the claim must be shown in a single prior reference, arranged as in the claim. See C.R. Bard, Inc. v. M3 Systems, Inc., 157 F3d 1340, 1349, 48 USPQ2d 1225, 1229-30 (Fed. Cir. 1998); Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Although the Examiner submits that claims 1-3, 5-14 and 16-22 are anticipated by Hazama, the Examiner refers to Yasue (p. 9, lines 8-9 of the Office Action) and to Nickum (p. 10, lines 5-12 of the Office Action. It is respectfully submitted that, as noted above, for anticipation under 35 U.S.C. §102(e), every element and limitation of the claim must be shown in a single prior art reference. Hence, it is respectfully submitted that the Examiner may not rely on Yasue and Nickum, in addition to Hazama, as a basis for rejection under 35 U.S.C. §102(e).

In addition, independent claim 1 has been amended to show more clearly differences between the present claimed invention and Hazama. In particular, the following features have been added to the information retrieving system of amended claim 1: "the index server comprising a registration accept processing agent to carry out a registration acceptance processing, wherein the registration accept processing agent has an overview index register that stores information relating to a registered document into a repository during an idle time; an ontological restructuring unit to restructure a consistency of an ontology of a hierarchical structure; and an accept signal generator to post to a web server of the plurality of web servers a fact that information has been registered into the index server." Independent claim 12 has been amended in similar fashion.

It is respectfully submitted that Hazama recites an index wherein identifiers reciting characteristics of material information such as sheet metal thickness, the sheet metal material, the tensile strength of the material, information relating to the tools such as the width and V

angle of a die, the punch being used to manufacture the part, and the like (see claim 1 and col. 6, lines 3-16 of Hazama.

In contrast, amended independent claims 1 and 12 recite an information retrieving system and method, respectively, having an index server having an index server operation of: using a registration accept processing agent to carry out a registration acceptance processing, wherein the registration accept processing agent has an overview index register that stores information relating to a registered document into a repository during an idle time; using an ontological restructuring unit to restructure a consistency of an ontology of a hierarchical structure; and using an accept signal generator to post to a web server of the plurality of web servers a fact that information has been registered into the index server, which is not recited in Hazama.

Hence, it is respectfully submitted that amended independent claims 1 and 12 are not anticipated under 35 U.S.C. §102(e) by Hazama et al. (USPN 6,539,399). Since claims 3, 5-11,14, and 16-22 depend from amended claims 1 and 12, respectively, claims 3, 5-11,14, and 16-22 are not anticipated under 35 U.S.C. §102(e) by Hazama et al. (USPN 6,539,399) for at least the reasons that amended claims 1 and 12 are not anticipated under 35 U.S.C. §102(e) by Hazama et al. (USPN 6,539,399).

REJECTION UNDER 35 U.S.C. §103:

A. In the Office Action, at page 14, claims 4, 15 and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yasue in view of Copperman et al. (USPN 6,711,585; hereafter, Copperman). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Independent claim 1 has been amended to show more clearly differences between the present claimed invention and Yasue and Copperman. In particular, the following features have been added to the information retrieving method of amended claim 1: "an index server operation of: using a registration accept processing agent to carry out a registration acceptance processing, wherein the registration accept processing agent has an overview index register that stores information relating to a registered document into a repository during an idle time; using an ontological restructuring unit to restructure a consistency of an ontology of a hierarchical structure; and using an accept signal generator to post to a web server of the plurality of web servers a fact that information has been registered into the index server." Independent claims 12 and 26 have been amended in similar fashion.

It is respectfully submitted that Yasue does not teach or suggest using an idle time of the web servers and neither Yasue nor Copperman, alone or in combination, teaches or suggests an information retrieving system having an index server operation of: using a registration accept

processing agent to carry out a registration acceptance processing, wherein the registration accept processing agent has an overview index register that stores information relating to a registered document into a repository during an idle time; using an ontological restructuring unit to restructure a consistency of an ontology of a hierarchical structure; and using an accept signal generator to post to a web server of the plurality of web servers a fact that information has been registered into the index server, as is recited in amended claim 1 of the present invention, and similarly in amended claims 12 and 26 of the present invention.

Thus, it is respectfully submitted that amended independent claims 1, 12 and 26 are patentable under 35 U.S.C. §103(a) over Yasue in view of Copperman et al. (USPN 6,711,585). Since claims 4 and 15 of the present invention depend from amended claims 1 and 12, claims 4 and 15 are patentable 35 U.S.C. §103(a) over Yasue in view of Copperman et al. (USPN 6,711,585) for at least the reasons that amended claims 1 and 12 are patentable under 35 U.S.C. §103(a) over Yasue in view of Copperman et al.

B. In the Office Action, at pages 14-16, claim 23 was rejected under 35 U.S.C. §103(a) as being unpatentable over Yasue in view of Govindarajan et al. (USPN 6,208,659; hereafter Govindarajan). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Independent claim 23 has been amended to show more clearly differences between the present claimed invention and Yasue and Govindarajan. In particular, the following features have been added to the information retrieving system of amended claim 23: "an index server operation of: using a registration accept processing agent to carry out a registration acceptance processing, wherein the registration accept processing agent has an overview index register that stores information relating to a registered document into a repository during an idle time; using an ontological restructuring unit to restructure a consistency of an ontology of a hierarchical structure; and using an accept signal generator to post to a web server of the plurality of web servers a fact that information has been registered into the index server."

It is respectfully submitted that neither Yasue nor Govindarajan, alone or in combination, teaches or suggests an information retrieving method having an index server operation of: using a registration accept processing agent to carry out a registration acceptance processing, wherein the registration accept processing agent has an overview index register that stores information relating to a registered document into a repository during an idle time; using an ontological restructuring unit to restructure a consistency of an ontology of a hierarchical structure; and using an accept signal generator to post to a web server of the plurality of web servers a fact that information has been registered into the index server, as is recited in amended claim 23 of the present invention.

Thus, amended claim 23 of the present invention is submitted to be patentable and non-

obvious under 35 U.S.C. §103(a) over Yasue in view of Govindarajan et al. (USPN 6,208,659).

C. In the Office Action, at pages 16-18, claim 24 was rejected under 35 U.S.C. §103(a) as being unpatentable over Yasue in view of Tanaka (USPN 5,732,264; hereafter, Tanaka). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Independent claim 24 has been amended to show more clearly differences between the present claimed invention and Yasue and Tanaka. In particular, the following features have been added to the information retrieving system of amended claim 24: "an index server operation of: using a registration accept processing agent to carry out a registration acceptance processing, wherein the registration accept processing agent has an overview index register that stores information relating to a registered document into a repository during an idle time; using an ontological restructuring unit to restructure a consistency of an ontology of a hierarchical structure; and using an accept signal generator to post to a web server of the plurality of web servers a fact that information has been registered into the index server."

It is respectfully submitted that neither Yasue nor Tanaka, alone or in combination, teaches or suggests an information retrieving method having an index server operation of: using a registration accept processing agent to carry out a registration acceptance processing, wherein the registration accept processing agent has an overview index register that stores information relating to a registered document into a repository during an idle time; using an ontological restructuring unit to restructure a consistency of an ontology of a hierarchical structure; and using an accept signal generator to post to a web server of the plurality of web servers a fact that information has been registered into the index server, as is recited in amended claim 24.

Thus, amended claim 24 of the present invention is submitted to be patentable and non-obvious under 35 U.S.C. §103(a) over Yasue in view of Tanaka (USPN 5,732,264).

D. In the Office Action, at page 18, claim 25 was rejected under 35 U.S.C. §103(a) as being unpatentable over Yasue in view of Nickum in further view of Tanaka (USPN 5,732,264; hereafter, Tanaka) and in further view of Yuen (USPN 5,423,033; hereafter, Yuen). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Independent claim 24 has been amended to show more clearly differences between the present claimed invention and Yasue, Nickum, Tanaka, and/or Yuen. In particular, the following features have been added to the information retrieving system of amended claim 24: "an index server operation of: using a registration accept processing agent to carry out a registration acceptance processing, wherein the registration accept processing agent has an overview index

register that stores information relating to a registered document into a repository during an idle time; using an ontological restructuring unit to restructure a consistency of an ontology of a hierarchical structure; and using an accept signal generator to post to a web server of the plurality of web servers a fact that information has been registered into the index server."

It is respectfully submitted that neither Yasue, Nickum, Tanaka, nor Yuen, alone or in combination, teaches or suggests an information retrieving method having an index server operation of: using a registration accept processing agent to carry out a registration acceptance processing, wherein the registration accept processing agent has an overview index register that stores information relating to a registered document into a repository during an idle time; using an ontological restructuring unit to restructure a consistency of an ontology of a hierarchical structure; and using an accept signal generator to post to a web server of the plurality of web servers a fact that information has been registered into the index server, as is recited in amended claim 24.

Thus, amended claim 24 of the present invention is submitted to be patentable and non-obvious under 35 U.S.C. §103(a) over Yasue in view of Nickum in further view of Tanaka (USPN 5,732,264) and in further view of Yuen (USPN 5,423,033). Since claim 25 depends from amended claim 24, claim 25 is patentable and non-obvious under 35 U.S.C. §103(a) over Yasue in view of Nickum in further view of Tanaka (USPN 5,732,264) and in further view of Yuen (USPN 5,423,033) for at least the reasons that amended claim 24 is patentable and non-obvious under 35 U.S.C. §103(a) over Yasue in view of Nickum in further view of Tanaka (USPN 5,732,264) and in further view of Yuen (USPN 5,423,033).

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.
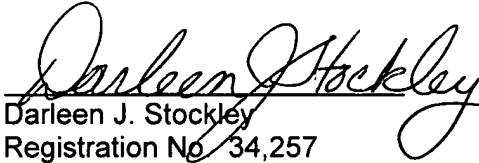
Respectfully submitted,

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